

F I L E D

DEC 11 1998

JUDGE MARINA CORODEMUS

IN RE: LATEX GLOVE LITIGATION

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY**

Civil Action

Case Code 243

CASE MANAGEMENT ORDER NO. 4

A CASE MANAGEMENT CONFERENCE having been conducted by the Special Master on November 23, 1998 in the presence of those counsel listed on Exhibit A and a prior working session having been held November 6, 1998 in the presence of those counsel listed on Exhibit B; and after consideration of all parties arguments; and for good cause shown;

IT IS on this 11 day of ~~November~~ ^{December RKE}, 1998 hereby

ORDERED that the parties shall be bound by the following Case Management Order No. 4, which shall incorporate the provisions of previous case management orders, where appropriate:

I. In *Campbell v. Johnson & Johnson, et al.*, MID-L-5881-98 plaintiff shall serve responses to the product identification questionnaire attached as Appendix 2 to Case Management Order No. 3 on all defendants in that action within ten (10) days from the date of the entry of this Order.

II. In the matters of *Collins v. Baxter Healthcare Corporation*, MID-L-4163-98; *Harkins v. Baxter Healthcare Corporation*, MID-L-4608-98; *Zarnosky v. Baxter Healthcare Corporation*, MID-L-3972-98; *Lukaitis v. Allegiance healthcare Corporation*, MID-L-4591; *Plaut v. Baxter Healthcare Corporation*, MID-L-4637-98; and *Hyder v. Allegiance Healthcare Corporation*, MID-L-4072-98 all

defendants shall provide responses to the product identification discovery attached as Appendix 3 to Case Management Order No. 3 within ten (10) days from the date of the entry of this Order.

III. In *D'Meo v. Becton Dickinson*, MID-L-4724-98, the order entered in the U.S. Bankruptcy Court, District of New Jersey providing for Chapter 7 bankruptcy of Marsh Dental Sales, Inc. shall not stay that action as to any other defendants named therein. Further, to the extent plaintiff receives insurance information related to Marsh Dental, plaintiff shall provide the insurance information to all defendants in that case within fifteen (15) days from receipt thereof. To the extent a party seeks to assert a claim against Marsh Dental's insurance carriers, that party must seek the appropriate relief from the bankruptcy court.

IV. In *Guevera v. Aladan Corporation*, MID-L-5981-96; *Ukaigwe v. Aladan Corporation*, MID-L-13403-97; and *Venuto v. Aladan Corporation*, MID-L-4190-97, defendants shall provide responses to the product identification discovery attached as Appendix 3 to Case Management Order No. 3 within ten (10) days from the date of the entry of this Order. Further, in *Guevera v. Aladan Corporation, et al.*, Boston Medical Group shall comply with the procedures for voluntarily dismissal as set forth in Section XIII of Case Management Order No. 3. Thereafter, Boston Medical Group shall follow the procedures as set forth in Case Management Order No. 3 for the filing of motions.

V. In *Kellet v. Ansell Medical, et al.*, MID-L-5981-96, plaintiff shall respond to the product identification questionnaire attached as Appendix 2 to Case Management Order No. 3 within ten (10) days from the date of the entry of this Order. Thereafter, defendants shall provide responses to the product identification discovery attached as Appendix 3 to Case Management Order No. 3 within thirty (30) days from receipt of plaintiff's responses to the product identification questionnaire as set forth above.

VI Within ten (10) days from the date of the entry of this Order all defendants who are properly served in all of the Initial Action Cases as set forth in Appendix 1 to Case Management Order No. 3 and who have yet to do so shall respond to the corporate disclosure form attached as Appendix 5 to Case Management Order No. 3.

Within ten (10) days from the date of the entry of this Order all plaintiffs who have filed Initial Action Cases as set forth in Appendix 1 to Case Management Order No. 3 and have yet to do so shall provide to defendants liaison counsel fully executed medical, employment, insurance, school, social security authorizations as set forth in Appendix 4 to Case Management Order No. 3

All parties in Initial Action Cases as set forth in Appendix to the Case Management Order No. 3 shall follow the procedure set forth in Case Management Order No. 3 with regard to bright line dismissals. See Section XVI.

IX By December 15, 1998 all parties shall provide their respective discovery steering committees with the names of third party witnesses they seek to depose with regard to product identification issues. Thereafter, on that same day the plaintiff and defendants steering committees shall exchange their respective lists of deponents. After December 15, 1998 and upon application to the Special Master names of additional deponents may be added to the lists of deponents. These depositions, however are for the determination of product identification and for use with regard to the bright line dismissal only. A deposition of a deponent in this regard does not waive a parties' right to redepose that deponent at a later date.

X After December 5, 1998, the discovery steering committees shall meet and confer to organize a schedule for third party depositions with regard to product identification.

XI. All parties shall comply with Section V of Case Management Order No. 3 with regard to the filing of motions concerning discovery and merit issues.

Parties shall provide notice to all parties involved in a particular case when subpoenaing medical records, purchasing invoices or other third party discovery. If a party is not using Record Trak to obtain third party discovery (e.g. medical records and purchasing invoices) that party shall insure that all parties to the particular case are provide notice of any subpoenas served.

The plaintiffs and defendants' (which includes the manufacturers/distributors and the trade association) discovery steering committees shall draft a schedule which contemplates the following:

a. The plaintiffs' discovery steering committee shall draft a generic set of merits, causation and liability interrogatories and document requests ("merits discovery") to be served upon all defendants. Additionally, the defendants' discovery steering committee shall draft a generic set of merit, causation and liability interrogatories and document requests to be served upon plaintiffs.

b. The plaintiffs and defendants' discovery steering committees shall exchange the generic merits discovery each group drafted.

c. Each group shall then meet and confer to discuss and provide their comments and objections to each other's proposed merits interrogatories and document requests.

d. Thereafter, each discovery steering committee shall provide the discovery drafted by that steering committee to each party represented by that committee.

e. Each party will then have the opportunity to advise its steering committee of any comments or objections thereto.

f. The completed agreed upon sets will then be provided to the Special Master for her approval and recommendation to the Court **no later than February 15, 1999**. If there are disputes regarding the propriety of certain interrogatories and document requests, such disputes shall be noted in the submissions to the Special Master for ruling by the Special Master in accordance with the provisions of Case Management Order No. 3 **Thereafter, no party shall object to the form of the question in its answers to interrogatories.**

XIV. Supplemental interrogatories targeted at a party with regard to merits discovery will be permitted only upon the approval of the Special Master.

XV. BANKRUPT PARTIES

a.. Upon the court's receipt of a copy of the Petition in Bankruptcy or Order of the Bankruptcy Court showing that a party has sought the protection of Chapter 7 or Chapter 11 of the Bankruptcy Act, that party shall be automatically severed from all of the Latex cases filed in New Jersey without the necessity of a separate order for each case.

b. The Petition or Order shall be served on all liaison counsel and on all parties to each case in which the bankrupt has been named as a party.

c. Any Order lifting the automatic stay of the Bankruptcy Court shall be served on the court, liaison counsel and on all parties in all of the bankrupt's cases immediately, accompanied by a proposed Order joining the party in all suits in which it was formerly named under whatever conditions are imposed by the Bankruptcy Court.

d. Any applications for discovery as to a bankrupt shall be directed to the U.S. Bankruptcy Court.

XVI. The next case management conference shall be held on Tuesday, March 2, 1999 at the Office of the Special Master, Administration Bldg., 3rd floor, Middlesex County at 10:00

a. m. Since there is a shortage of space, only two counsel for each party may attend. Submit any agenda items to the Special Master ten (10) days before the conference.

Marina Corodemus

Marina Corodemus
Hon. Marina Corodemus, J.S.C.

Exhibit "A" --ATTENDANCE
Monday, November 23, 1998

LATEX LITIGATION

NAME

FIRM

REPRESENTING

Susan M. Sharko

Shanley & Fisher

Johnson & Johnson depts.

IRA BREG

Lorenstein Sandler

Banta / Allegiance

Diane Sullivan

Lorenstein Sandler

Banta / Allegiance

Barry Epstein

Sills C. S.Beaton Dickinson &
Maxxim Medical

Stuart Feinblatt

((

Lori Evenchick

Cooper Kardam & Scharf

Sime Health Ltd.

Arthur Lash

Mason Taylor

Paterson Dental

Michael M. Fox

Kennedy & Kearney
Caplan & LuberoffSmith & Nephew
Health Industry Mfrs. Assoc.

Steven N. Yermish

McCarthy & Pirore

Tilco Corp. and
Tilco Rubber Co.

Stephen McManus

Frey, Petrakis
Deeb & Blum

Kendall

Veronica Saltz

Michael Bloom

Shrago, McDavid & Cefus
Firm: Spivey

Kellett

Marc Kluft

Gelman, Gallagher & Murtogh

Henry Schein, Inc.

Kelly Bracken

Marks, O'Neill, Reilly, O'Brien & Lantry
Tilco Health Care Corp.

Susan Schleck

Drinker Biddle & Reath

Johnson & Johnson

Anne Patterson

Peter Danzig Scherer Hyland

Medline Industries

Wendy Winkler

Sweet Pasquorelli & Peretti

Microflex

Elizabeth Gorman Rusin

Brookman, Zornberg, Zuck
& JordeHyder, Lueker, Hs,
Plaut, Hanks,
Cotton & Zarnosky (TTS)

Exhibit "A" --ATTENDANCE
Monday, November 23, 1998

LATEX LITIGATION

NAME

FIRM

REPRESENTING

Kevin Goldstein

Kelly Jason McGuire &
Spinnelli

Jason Harbington &
Hydant

GERARD H HANSON

HILL WAUWATK

LIG plc

DANT, GARBER

Buchanan Ingersoll

Regent, LIUSA

B. B. Redmond

LeClair Ryan

Owens & Minor

Greg Palakow

Kent & McBride

Owens & Minor

Gerald

Smith Stratton

Moore Medical

Patricia

Hogland Longo

Premier and Marsia
Medical

Michael J Dunn

Murphy

Aladen Corp

ROBERT A

MORGAN LEWIS &
BOCKIUS

PLAYTEX

Robert Smolen

Swartz Campbell & Detweiler

SF Dental Supply

William A KRAIS

Porzio, Bronberg & Newman

Ansell Products

ALLISON CORBOY

Koch & Corboy

Boston MEDGROUP

RICHARD THIEL

Richard Thiel

Campbell, et al

Stephen M. Hladik

Caplan & Luber

Health Industries Mand.
Ass'n.

KRISTEN A Morris

Mylotte, David & Fitzpatrick

A Biosafety Systems Inc

Exhibit "A" --ATTENDANCE
Monday, November 23, 1998

LATEX LITIGATION

NAME	FIRM	REPRESENTING
Terrence Smith	McGivney & Kluger, PC	Biotrol International Ikonex International, Inc. Surgical Supply Service, Inc.
Brian J. Ladd, Jr	McCartner & Fentress, LLP	Safeskin Corp
W. S. Rizzo Jr	FitzGerald & Barker	Unichems Footcare Products
Alan Greenberg	Rawls & Henderson	BioSafety Systems, Inc & Acme United Inc
Albert L. Pierce II	Monte & Walge	Boat & Rubber Company
Brian Drizin	Drizin & Warsaw	It's
Andrea A. Lyima	Reed Smith Shaw & McClay	Sherwood Medical